

1 entitled to incarcerate a person under the provisions.

2 That is absolutely not the intent of the pro-  
3 vision at all. The intent is that an accused be held sub-  
4 ject only to those conditions or terms, whatever they may  
5 be, and incarceration may be one of them, which will  
6 insure his appearance in court.

7 There is nothing in this proposal that will  
8 prevent the Court from exercising discretion in  
9 determining whether or not the accused must be incar-  
10 cerated or what terms must be set forth in order to as-  
11 sure his appearance.

12 It is merely the statement of a very fundamental  
13 principle that no person shall be held without justifi-  
14 cation. It is a very personal right that we are talking  
15 about here.

16 Judge Child mentions that he doesn't feel that  
17 this is the kind of a thing that the Constitution should  
18 guarantee. I say that it is the most important thing a  
19 Constitution can guarantee, and that is that a person will  
20 not be picked up off the streets and held in jail for an  
21 indefinite period, an innocent person, a person who is